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Attorneys for Plaintiff
NETFLIX, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NETFLIX, INC., a Delaware corporation,
 	
                                   Plaintiff,
 	
          v.
 	
BLOCKBUSTER, INC., a Delaware corporation, DOES 1-50,
 	
                                   Defendant.
 	
─────────────────────────────
 	
AND RELATED COUNTERCLAIMS
	Case No. C 06 2361 WHA (JCS)
	
	ADMINISTRATIVE MOTION TO FILE UNDER SEAL AND RAMANI DECLARATION IN SUPPORT
	
	Date: January 31, 2007
	Time: TBD
	Dept: Courtroom 9, 19th Floor
	Judge: Hon. William H. Alsup

385714.01

ADMINISTRATIVE MOTION TO FILE UNDER SEAL AND RAMANI DECLARATION IN SUPPORT
CASE NO. C 06 2361 WHA (JCS)

1   Plaintiff Netflix, Inc. submits this Request under Civil Local Rules 7-11 and 79-5 to file

2 documents under seal in connection with Netflix's opening claim-construction brief. Netflix

3 makes this Request in a good-faith effort to maintain the confidentiality of a document relied

4 upon in Netflix's brief that Blockbuster designated as Confidential—Attorneys' Eyes Only under

5 the Protective Order in this case. This Request is narrowly tailored as required under Local Rule

6 79-5(b), and there is therefore good cause for filing the following documents under seal.

7   **Netflix's Claim-Construction Brief**

8   Netflix requests that its opening claim-construction brief be filed under seal as a

9 particular passage refers to a document that Blockbuster has designated as "Confidential –

10 Attorneys' Eyes Only" under the governing Protective Order. Under paragraph 10 of the

11 Protective Order, Netflix is obligated to lodge this brief with the Court with a request to file them

12 under seal, pursuant to Civil Local Rule 75-5. Redacted versions of the briefs, suitable for filing

13 in the public docket, are being filed herewith.

14   **Exhibit to Ramani Declaration**

15   Concurrently filed in support of Netflix's opening claim construction brief is the

16 Declaration of Ashok Ramani, which attaches the one exhibit that Blockbuster designated

17 "Confidential – Attorneys' Eyes Only" under the Protective Order.

18   **Exhibit 8**: This exhibit is a document produced by Blockbuster, Inc. and designated as

19 "Confidential – Attorneys' Eyes Only" under the Protective Order. Under paragraph 10 of the

20 Protective Order, Netflix is obligated to lodge this document with the Court with a request to file

21 it under seal, pursuant to Civil Local Rule 75-5.

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1   Netflix respectfully requests that the Court permit the sealing of the documents set forth

2   above, and order that the Clerk of the Court maintain them in accordance with the provisions of

3   Local Civil Rule 79-5(f).

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5   Dated: December 6, 2006   Respectfully submitted,

6   KEKER & VAN NEST, LLP

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8
                                                By: /s/ Ashok Ramani
9   JEFFREY R. CHANIN
                                                    DARALYN J. DURIE
10   ASHOK RAMANI
                                                    Attorneys for Plaintiff
11   NETFLIX, INC.

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ADMINISTRATIVE MOTION TO FILE UNDER SEAL AND RAMANI DECLARATION IN SUPPORT
CASE NO. C 06 2361 WHA (JCS)

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RAMANI DECLARATION IN SUPPORT OF ADMINISTRATIVE MOTION TO FILE UNDER SEAL

I, ASHOK RAMANI, declare and state as follows:

1.   I am an attorney duly licensed to practice before this Court, and am a partner with Keker & Van Nest, LLP, counsel to Plaintiff and Counterclaim-Defendant Netflix, Inc. I have personal knowledge of the facts set forth below, and if called to testify as a witness thereto could do so competently under oath.

2.   In the course of Discovery in this case, defendant Blockbuster produced to Netflix the document attached as Exhibit 8 to my declaration in support of Netflix's Opening Markman brief. This document contains confidential and proprietary information about Blockbuster's business, such that Blockbuster's counsel has seen fit to designate the document CONFIDENTIAL—ATTORNEYS' EYES ONLY under the governing protective order. That same order requires that Netflix move to seal the document.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 6th day of December 2006, at San Francisco, California.

                                        By: /s/ Ashok Ramani

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ADMINISTRATIVE MOTION TO FILE UNDER SEAL AND RAMANI DECLARATION IN SUPPORT
CASE NO. C 06 2361 WHA (JCS)